

ORDINANCE NO. 2005 - 058

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT YAMATO/SR 7-US 441-SE (LGA 2005-00031), MODIFYING PAGE 110 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 17.01 ACRES, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF YAMATO ROAD AND STATE ROAD 7/US 441, FROM TRANSPORTATION AND FACILITIES (U/T) ON 7.40 ACRES AND HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) ON 9.61 ACRES TO COMMERCIAL LOW, WITH AN UNDERLYING 8 UNITS PER ACRE (CL/8) ON 7.42 ACRES AND INSTITUTIONAL, WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8) ON 9.59 ACRES; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated September 30, 2005 which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, on November 28, 2005 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments as modified satisfy the concerns
10 addressed in the Department of Community Affairs' "Objections,
11 Recommendations and Comments Report" and comply with all requirements
12 of the Local Government Comprehensive Planning and Land Development
13 Regulations Act.

14 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
15 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

16 Part I. Amendments to the Future Land Use Atlas of the Land Use
17 Element of the 1989 Comprehensive Plan

18 The following amendments to the Land Use Element's Future Land
19 Use Atlas are hereby adopted and attached to this Ordinance:

20 A. Future Land Use Atlas page 110 is amended as follows:

21 Application No.: Yamato/SR 7-US 441-SE (LGA 2005-00031)

22 Amendment: From Transportation and Facilities (U/T) on
23 7.40 acres and High Residential, 8 units
24 per acre (HR-8) on 9.61 acres to Commercial
25 Low, with an underlying 8 units per acre
26 (CL/8) on 7.42 acres and Institutional,
27 with an underlying 8 units per acre
28 (INST/8) on 9.59 acres;

29 General Location: Southeast corner of Yamato Road and State
30 Road 7/US 441;

31 Size: Approximately 17.01 acres;

32 B. Conditions: This parcel is subject to the following
33 conditions:

1 1. Non-residential development on the CL/8 portion of the
2 site shall be limited to a maximum of 50,000 square
3 feet.

4 2. Development on INST/8 portion of the site shall be
5 limited to school uses with a maximum of 72,000 square
6 feet and a Congregate Living Facility (CLF) with a
7 maximum of 94 beds. If the site develops alternatively
8 with residential uses (other than a CLF), the site shall
9 be governed by the density allowed under the HR-8 land
10 use designation.

11 3. At the time a rezoning application is submitted for this
12 site, the application must include the entire property
13 subject to this amendment.

14 Part II. Repeal of Laws in Conflict

15 All local laws and ordinances applying to the unincorporated area
16 of Palm Beach County in conflict with any provision of this ordinance
17 are hereby repealed to the extent of such conflict.

18 Part III. Severability

19 If any section, paragraph, sentence, clause, phrase, or word of
20 this Ordinance is for any reason held by the Court to be
21 unconstitutional, inoperative or void, such holding shall not affect
22 the remainder of this Ordinance.

23 Part IV. Inclusion in the 1989 Comprehensive Plan

24 The provision of this Ordinance shall become and be made a part
25 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
26 Ordinance may be renumbered or relettered to accomplish such, and the
27 word "ordinance" may be changed to "section," "article," or any other
28 appropriate word.

29 Part V. Effective Date

30 The effective date of this plan amendment shall be the date a
31 final order is issued by the Department of Community Affairs or
32 Administration Commission finding the amendment in compliance in
33 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
34 applicable. No development orders, development permits, or land uses
35 dependent on this amendment may be issued or commence before it has

1 become effective. If a final order of noncompliance is issued by the
2 Administration Commission, this amendment may nevertheless be made
3 effective by adoption of a resolution affirming its effective status,
4 a copy of which resolution shall be sent to the Florida Department of
5 Community Affairs, Division of Community Planning, Plan Processing
6 Team. An adopted amendment whose effective date is delayed by law
7 shall be considered part of the adopted plan until determined to be
8 not in compliance by final order of the Administration Commission.
9 Then, it shall no longer be part of the adopted plan unless the local
10 government adopts a resolution affirming its effectiveness in the
11 manner provided by law.

12 APPROVED AND ADOPTED by the Board of County Commissioners of
13 Palm Beach County, on the 28 day of November, 2005.

14 ATTEST:
15 SHARON R. BOCK, CLERK &
16 COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

17 By: [Signature]
18 Deputy Clerk

19 By: [Signature]
20 Tony Masiotti, Chairman

21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

22 [Signature]
23 COUNTY ATTORNEY

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25 Filed with the Department of State on the 6th day
26 of December, 2005.

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EXHIBIT 1

A. Future Land Use Atlas page 110 is amended as follows:

Amendment No.: Yamato/SR 7 – US 441 SE (LGA 2005-00031)

Amendment: Transportation & Utilities (U/T) on 7.40 acres, (parcels I & II) & High Residential, 8 units per acre (HR-8) on 9.61 acres, (parcels III & IV) to Commercial Low, with an underlying 8 units per acre (CL/8) on 7.42 acres, (parcels I & III) & Institutional, with an underlying 8 units per acre (INST/8) on 9.59 acres, (parcels II & IV)

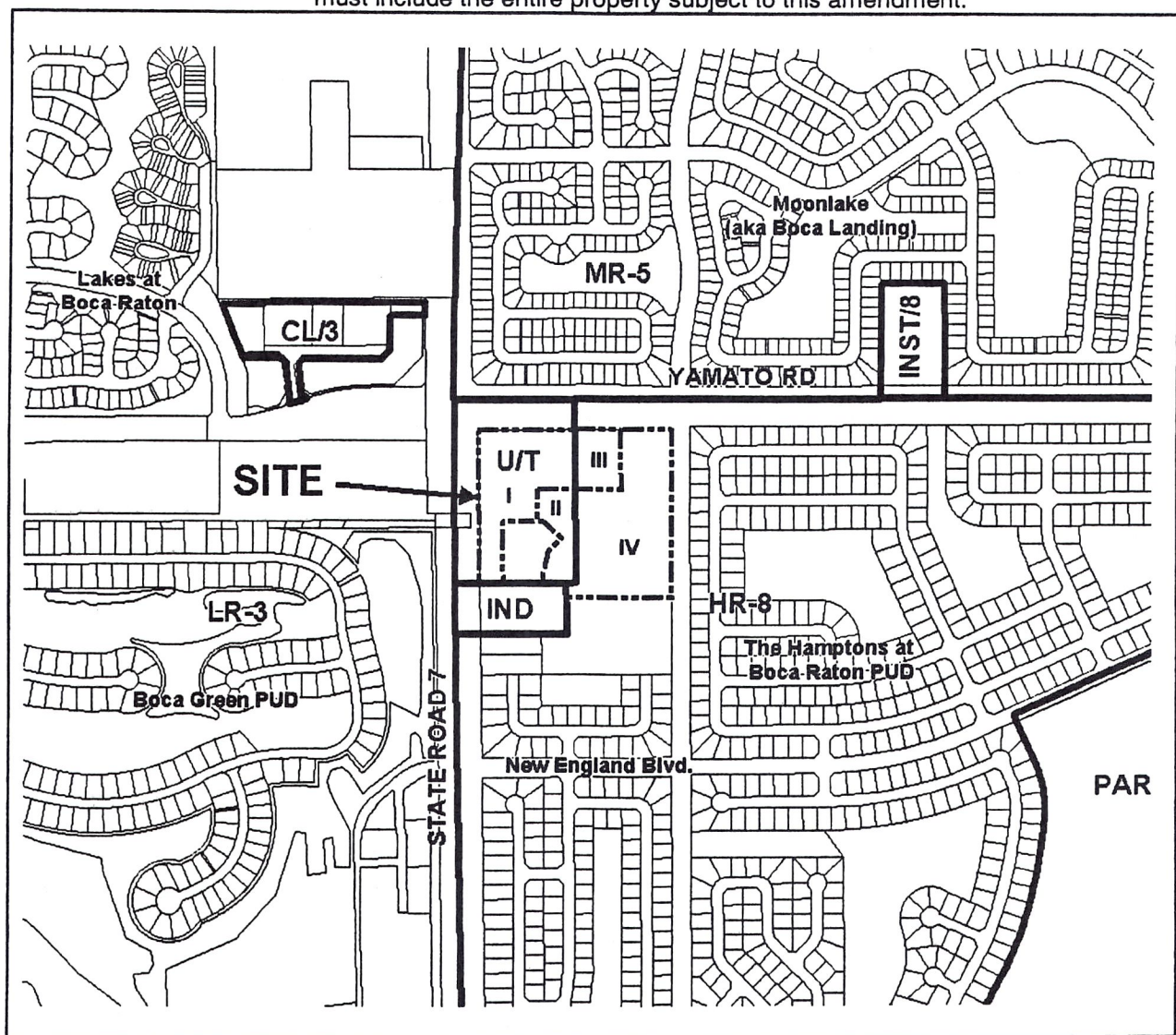
Location: Southeast corner of Yamato Road and State Road 7 (US 441)

Size: Approximately 17.01 acres

Property No.: Portions of 00-42-43-27-05-074-0151 & 00-42-43-27-05-074-0141

Legal Description: See attached

- Conditions:**
1. Non-residential development on the CL/8 portion of the site shall be limited to a maximum of 50,000 square feet.
 2. Development on INST/8 portion of the site shall be limited to school uses with a maximum of 72,000 square feet and a Congregate Living Facility (CLF) with a maximum of 94 beds. If the site develops alternatively with residential uses (other than a CLF), the site shall be governed by the density allowed under the HR-8 land use designation.
 3. At the time a rezoning application is submitted for this site, the application must include the entire property subject to this amendment.



LEGAL DESCRIPTION:

PARCEL I

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15, 16 AND 17 OF BLOCK 74, AND THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT OF WAY ADJACENT TO THE WEST BOUNDARY OF THE AFOREMENTIONED TRACTS OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES" AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°48'47" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89°39'08" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 504.61 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE SAID TRACT 16; THENCE SOUTH 00°20'52" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 313.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 197.19 FEET; THENCE SOUTH 00°20'52" EAST, A DISTANCE OF 167.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 183.51 FEET; THENCE SOUTH 00°48'47" EAST, A DISTANCE OF 320.01 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED "PLAT OF FOUR FORTY ONE ASSOCIATES"; THENCE SOUTH 89°39'08" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5.66 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL II

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15,16,17 AND 18 OF BLOCK 74 OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES", AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°39'08" EAST, ALONG THE NORTH LINE OF SAID "PLAT OF FOUR FORTY ONE ASSOCIATES", A DISTANCE OF 324.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 10°56'04" EAST, A DISTANCE OF 161.55 FEET; THENCE NORTH 44°39'07" EAST, A DISTANCE OF 103.50 FEET; THENCE NORTH 45°20'53" WEST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 39.49 FEET; THENCE NORTH 00°20'52" WEST, A DISTANCE OF 167.00 FEET; THENCE NORTH 89°39'08" EAST, A DISTANCE OF 197.19 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 16 AND 17; THENCE SOUTH 00°20'52" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 487.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 174.11 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1.74 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL III

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 15 OF THE BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE SAID TRACT 15, BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3".

CONTAINING: 1.76 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL IV

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 14, 15, 18 AND 19, ALL OF BLOCK 74 OF "PALM BEACH FARMS COMPANY NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF

PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 215 FEET OF TRACT 14 AND THE WEST 215 FEET OF TRACT 19, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 14 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 19.

TOGETHER WITH:

THE EAST 285 FEET OF TRACT 15 AND THE EAST 285 FEET OF TRACT 18, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 15 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 18.

TOGETHER WITH:

THE WEST 45 FEET OF THE SOUTH 470 FEET OF TRACT 18, LESS AND EXCEPT THE SOUTH 435.60 FEET THEREFROM.

LESS AND EXCEPT THE FOLLOWING:

THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE TRACT 15, BLOCK 74.

ALL OF SAID PROPERTY LYING IN BLOCK 74 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

CONTAINING 7.85 ACRES, MORE OR LESS.

COLLECTIVELY CONTAINING 17.01 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
SHARON R. BOCK, Clerk & Comptroller certify
to be a true and correct copy of the original
map in my office on November 28, 2005
dated at West Palm Beach, FL on 12/22/2005
by Diane Brewer
Deputy Clerk

